



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 28, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (September 14, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

### **PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION recognizing September 15 – October 15, 2010 as National Hispanic Heritage Month.

Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing Douglass Elementary School for its designation as a Blue Ribbon School.

Ware

ACTION REQUESTED: Adopt the resolution

### **PUBLIC HEARINGS**

3. RESOLUTION approving a planned development located on the northeast corner of Park Avenue and South Highland Street, containing 1.96 acres in the Local Commercial (C-L), Single Family Residential (R-S6) and Neighborhood Commercial (C-N) Districts. The subject site is also located within the University District Overlay.

Ford

Case No. PD 10-310

Applicant: Hart-Redd, LLC  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development to permit retail use (CVS) Pharmacy

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**104 NOTICES WERE MAILED ON SEPTEMBER 17, 2010**

4. RESOLUTION approving a planned development located on the east side of N. Thomas Street, 260 feet north of Stage Road, containing 24.4 acres in an area currently governed by the conditions of the Frayser Business Center Planned Development (P.D. 07-310), Plat Book 245, Page 29.

Ford

Case No. PD 10-312

Applicant: Memphis Wrecking Company  
Nathan Bicks – Representative

Request: Amend planned development to allow public use of a previously approved demolition and construction landfill facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**45 NOTICES WERE MAILED ON SEPTEMBER 17, 2010**

**DIVISION OF PLANNING & DEVELOPMENT**

5. RESOLUTION approving a special use permit located on the east side of Claybrook Street; +/-100 feet south of Court Avenue, containing 0.2296 acre in the Multiple Dwelling Residential (R-MH) District within the Medical Center Overlay District.

Ford

Case No. SUP 10-222

Applicant: Friends for Life Corporation  
Parker, Estes & Associates, Inc. - Representative

Request: Group Shelter

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

6. RESOLUTION approving a use variance located on the west side of Benjestown Road, +/-430 feet south of Carrolton Avenue, containing 44.27 acres in the Single Family Residential (R-S6) and Agricultural Flood Plain (AG{FP}) Districts.

Ford

Case No. UV 10-11cc

Applicant: Emerson Memphis, LLC  
Mike Schwartz – Representative

Request: Radio Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCES – THIRD AND FINAL READING**

7. **ORDINANCE** to amend the text of the Zoning Ordinance, by adopting the Midtown District Overlay as a Zoning Text Amendment, up for T H I R D and F I N A L reading.  
Ford Case No. ZTA 10-001cc  
Ordinance No. 5381

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

8. **ORDINANCE** to adopt the Comprehensive Rezoning, up for T H I R D and F I N A L reading as follows:  
Ford Case No. Z 10-112  
Ordinance No. 5382

- Amend the Official Zoning Map by adopting the proposed boundaries for the Midtown District Overlay. The Midtown District Overlay includes proposed Shop front, Pedestrian, Urban or Transitional Frontage Designations for segments of Cooper, Young, Central, Union, Madison and East Parkway
- Rezone a segment of Cooper Street and Central Avenue and the northeast corner of Southern Avenue and Cooper Street from the Highway Commercial (C-H) District to the Local Commercial (C-L) District
- Rezone the southwest corner of Central Avenue and Cooper Street from the Light Industrial (I-L) District to the Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

(None)

### GENERAL ORDINANCES - SECOND READING

9. **ORDINANCE** to amend Code of Ordinances of the City of Memphis pertaining to the Budget, Salaries and Contracts of the Memphis Light, Gas and Water Division to increase the amount of contracts requiring approval of the City Council to \$500,000.00, up for S E C O N D reading.

Fullilove

Ordinance No. 5383

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to repeal, in its entirety, previous Ordinance No. 4388, codified as City Code, Chapter 2, Division 5, Section 2-325 thru Section 2-331 and replace with the attached Ordinance inserted in lieu thereof as a result of the findings of the 2010 Disparity Study as performed by Griffin & Strong, PC, up for S E C O N D reading.

Conrad

Ordinance No. 5384

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING

(None)

### ZONING ORDINANCE - SECOND READING

11. **ORDINANCE** rezoning the southwest corner of North Dunlap Street and Mosby Avenue, containing 2.49 acres in the Multiple Dwelling Residential (R-MM) and Local Commercial (C-L) Districts and Overlay Districts: Winchester Park [WP] and Medical Overlay [MO] Districts, up for S E C O N D reading.

Ford

Case No. Z 10-110

Ordinance No. 5385

Applicant: Methodist Healthcare-Memphis Hospitals  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Change to the Hospital (H) and Overlay Zones: Winchester Park [WP] and Medical Center [MO]

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING** (None)

**NOTATION FROM OPD**

12. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 10-218cc

Located on the west side of Billy Maher and north of Maher Trail, containing 5.2 acres in the Agricultural (AG) District

Applicant: SBA Network Services, LLC (John Rosenhack)  
Shawn Massey – Representative

Request: Cell Tower (150 Feet Tall – Flush Mounted Antennae)

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: October 12, 2010**



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### MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11406, Managed Prescription Drug Program, to Medco Health in the funded amount of \$53,869,000.00. (Held from 9/14)
14. RESOLUTION approving the amendment of Contract No. 11202, Medical Administrative Services, with United Healthcare, for not less than six months and no more than 12 months, up to the current rates, for the purpose of putting a blended RFP out for proposal. This amendment is in the funded amount of \$35,824,834.00 with no increase in rates, covering the period January 1, 2011 through December 31, 2011.
15. RESOLUTION awarding Contract No. 11448, Medical Claims and Legal Services Consultant/Reporting, to Gould and Lamb, LLC in the funded amount of \$45,000.00.
16. RESOLUTION awarding contract for Quest TOAD software maintenance and support to DLT Solutions, LLC in the amount of \$27,272.97.
17. RESOLUTION awarding contract for YZ Odorizer to Tri-State Meter and Regulator Service in the amount of \$36,730.00.
18. RESOLUTION awarding contract for energy conservation kits to AM Conservation Group, Inc. in the amount of \$40,782.00.
19. RESOLUTION awarding contract for telephone equipment to Black Box Network Services in the amount of \$67,329.00.
20. RESOLUTION awarding contract for blade servers to Logicalis, Inc. in the amount of \$144,045.11.
21. RESOLUTION awarding 36-month blanket contract for utility bill envelopes to Mac Papers in the amount of \$511,107.32.
22. RESOLUTION approving payment of 2010-2011 annual membership dues to the Tennessee Municipal Electric Power Association in the amount of \$25,023.00.
23. RESOLUTION approving selection of SSM Partners IV Fund to manage up to approximately \$15 million for benefit of the MLGW Retirement and Pension Fund.

24. RESOLUTION approving selection of Capital Point Partners, Courage Capital Management and Golden Tree Asset Management to manage approximately \$8 million each for benefit of the MLGW OPEB Trust Fund.
25. RESOLUTION approving Change No. 5 to Contract No. 11009, MLGW Utility Payment Centers, with Fiserv in the funded amount of \$231,417.00. (This change extends the current contract covering the period October 3, 2010 to October 2, 2011 with no increase in rates).



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## REGULAR AGENDA

26.  
Strickland

### APPOINTMENTS

#### Health, Education and Housing Facility Board

##### Appointments

Curtis Thomas

Carolyn A. Goodwin – Willett

#### Memphis and Shelby County Board of Adjustment

##### Appointments

Andre D. Jones

Timothy D. Rainey

### BUDGET ITEM

27. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu-of-tax payment to the City of Memphis for Fiscal Year 2011. (Held from 6/8; 6/22; 9/14)

Fullilove

ACTION REQUESTED: Adopt the resolution

### GENERAL ORDINANCES -THIRD AND FINAL READING

28. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include costs and add notification process of alarm user operating without a permit, up for T H I R D and F I N A L reading. (Held from 8/24; 9/14)

Conrad

Ordinance No. 5374

ACTION REQUESTED: Take whatever action Council deems advisable



29. **ORDINANCE** to amend Chapter 5, Animals and Fowl, Section 5-60 of the Code of Ordinances, City of Memphis, to require dog restraints by tie-outs or overhead cables to be in addition to traditional fencing and that dogs restrained by tie-outs or overhead cable runs be spayed or neutered, up for T H I R D and F I N A L reading.

Ware

Ordinance No. 5378

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to amend Chapter 5, Animals and Fowl, Article III.5, Dangerous/Vicious Animals, of the Code of Ordinances, City of Memphis, to require sterilization of dogs who have bitten and declare vicious dogs who have bitten once and been found running at large twice, up for T H I R D and F I N A L reading.

Ware

Ordinance No. 5379

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to amend Chapter 5, Animals and Fowl, of the Code of Ordinances, City of Memphis, to require mandatory spaying and neutering of cats and dogs weighing thirty pounds or more, up for T H I R D and F I N A L reading.

Ware

Ordinance No. 5380

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION**

32. **RESOLUTION** amending the FY2011 Capital Improvement Budget by transferring an allocation of \$85,870.00 in G.O. Bonds – General in Traffic Calming Devices, Project Number EN01007, to Speed Humps Installation – Group 6, Project Number EN01030 for the purpose of installing speed humps in various locations in the city. Resolution also appropriates \$85,870.00 funded by G.O. Bonds – General for Speed Hump Installation – Group 6, Project Number EN01030 for a construction contract with APAC TENN.

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

33. **RESOLUTION** amending the FY2011 Capital Improvement Budget by establishing an allocation in the amount of \$80,000.00 for Medical CTR Streetscape, Project Number EN01026.

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION**

34. RESOLUTION accepting grant funds in the amount of \$56,591.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Career Center Resource Share Grant. Resolution also amends the FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION accepting grant funds in the amount of \$163,954.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Career Center Resource Share Grant. Resolution also amends the FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES**

36. RESOLUTION amending the FY2011 Operating Budget to re-instate the prior year funding level of the Tuition Reimbursement Program by transferring an allocation and appropriation of \$902,211.00 across the Human Resources Division legal levels and operating categories. (Held from 8/24; 9/14)

Strickland

NO RECOMMENDATION

**INFORMATION SERVICES**

37. RESOLUTION in accordance with the Memorandum of Understanding between the Information Services Division of the City of Memphis and the Millington Police Department. The Millington Police Department will pay the City of Memphis Information Services Division \$34,020.00 annually for support of 81 radio identifiers.

Conrad

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION** (None)

**MLGW DIVISION**

38. RESOLUTION approving actuarial funding to the Retirement and Pension System in the amount of \$27,381,023.00 for the 2010 Plan Year.

Fullilove

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving funding to the OPEB Trust Fund in the amount of \$18,754,059.43 for the 2010 funding requirement.

Fullilove

ACTION REQUESTED: Adopt the resolution

**PARK SERVICES**

40. RESOLUTION approving the Division of Park Services to use \$510,844.00 of the total appropriation in Contract Construction in "Parkways Maintenance/Renovations", CIP Project Number PK12001 funded by G.O. Bonds General for the construction of the project.

Boyd

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION requesting City Council approval to allow the University of Tennessee to make site improvements and replace the existing concrete pavilion located within Forrest Park as part of the Maintenance Agreement between the University of Tennessee and the City of Memphis through its Park Services Division that was approved on August 19, 2008.

Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION requesting approval to transfer an allocation of \$100,000.00 from Architect/Engineering to Construction in CIP Project Number PK07089, Charjean Park Improvements, funded by G.O. Bonds General and chargeable to the Fiscal Year 2011 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION requesting approval for continuation of plans and specifications for the taking of bids at an estimated construction cost of \$730,000.00 for ballfield renovations at May Park.

Boyd

The Council of the City of Memphis did include May Park Renovation, located at 6415 Quince Road, CIP Project Number PK05001 as part of the Fiscal Year 2011 Capital Improvement Budget. Resolution states the Administration is required to present a preliminary design to the appropriate Council Committee.

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

44. RESOLUTION amending the FY2011 Capital Improvement Budget by transferring an allocation of \$9,375,000.00 funded by G.O. Bonds General (Storm Water) from Drainage – ST, Project Number ST03006 to Bridge Repair Storm Water, Project Number ST03083, for the rehabilitation and replacement of bridges to enhance storm water flow, rip-rap stabilization and scour protection.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEMS** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

45. **APPOINTMENT**

Strickland

**Director of General Services**

Appointment

Martha C. Lott

46. RESOLUTION accepting and appropriating grant funds in the amount of \$98,201.00 from the State of Tennessee, Department of State, Tennessee State Library and Archives to be used for the purchase of Library Books and Materials.

Ware

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 3 – Approved
4. Held until October 26, 2010
5. & 6 – Approved
7. Approved, as amended
8. Approved
9. Approved, as amended
10. & 11 – Approved
12. Public Hearing Set for October 12, 2010
13. Sent Back to MLGW
14. Held until October 12, 2010
15. Through 26 – Approved
27. Held until October 12, 2010
28. Approved
29. Approved, as amended
30. Approved
31. Approved, as amended
32. Through 35 – Approved
36. Held until October 12, 2010
37. Through 44 – Approved
45. Approved, as amended
46. Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF SEPTEMBER 14, 2010 MEETING**

Approved, as amended

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #15, #23, #24, #25, #33, #45 & #46 FROM TONIGHT'S MEETING**

Approved